

Case 1:04-cr-05097-AWI Document 186 Filed 07/09/2008 Page 1 of 1

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA

OFFICE OF THE CLERK

2500 Tulare Street
Fresno, CA 93721

Northern District of California
450 Golden Gate Avenue
16th Floor
San Francisco, CA 94102

FILED
JUL 11 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RE: USA vs.
USDC No.: 1:04-CR-05097-AWI

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated July 03, 2008, transmitted herewith are the following documents.

Certified copies of indictment, judgment/commitment and docket sheet

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

July 9, 2008

/s/ M. Sondheim

Deputy Clerk

RECEIVED BY:

1

Please Print Name

DATE RECEIVED:

Mr

NEW CASE
NUMBER:

CR 08- 415MHP

ORIGINAL

FILED

APR 15 2004

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

1 MCGREGOR W. SCOTT
United States Attorney
2 KEVIN P. ROONEY
Assistant U.S. Attorney
3 ERIC WYATT
Special Assistant U.S. Attorney
4 3654 Federal Building
1130 O Street
5 Fresno, California 93721
Telephone: (559) 498-7272

7 IN THE UNITED STATES DISTRICT COURT FOR THE
8 EASTERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ROBERTO VARGAS LOPEZ
14 aka "Compa",
ELIAS VALENCIA HERNANDEZ
15 aka "Chapparro"
aka "La Pistola",
16 ANTONIO GUTIERREZ GOMEZ
aka "Spooky Spooky",
17 JOSE CARLOS ALVAREZ,
FRANCISCA REYNA ROMERO
18 aka "Lorena",
LORENA DELAPAZ ROMERO
19 aka "Lori",
ROSEMARIE "ROSIE" ALVAREZ, and
20 JESSICA MARIA GARZA

21 Defendants.
22
23

CRF-04 5097 AM
CR. NO.

) VIOLATIONS: 21 U.S.C. §§ 846 and
) 841(a)(1) - Conspiracy to
) Distribute and Possess With the
) Intent to Distribute Heroin, a
) Controlled Substance - 21 U.S.C.
) § 841(a)(1) - Possess With the
) Intent to Distribute Heroin, a
) Controlled Substance
) (3 counts)

I hereby attest and certify on 7/9/08
that the foregoing document is a full, true
and correct copy of the original on file in my
office and in my legal custody.

VICTORIA C. MINOR
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

By *[Signature]* Deputy

24 I N D I C T M E N T
25
26
27
28

1 COUNT ONE: [21 U.S.C. §§ 846 and 841(a)(1) - Conspiracy to
2 Distribute and Possess With the Intent to Distribute
Heroin, a Controlled Substances]

3 The Grand Jury charges: T H A T

4 ROBERTO VARGAS LOPEZ
5 aka "Compa,
ELIAS VALENCIA HERNANDEZ
6 aka "Chapparro"
7 aka "La Pistola",
ANTONIO GUTIERREZ GOMEZ
8 aka "Spooky Spooky",
JOSE CARLOS ALVAREZ,
9 FRANCISCA REYNA ROMERO
10 aka "Lorena",
LORENA DELAPAZ ROMERO
11 aka "Lori",
ROSEMARIE "ROSIE" ALVAREZ,
JESSICA MARIA GARZA,

12 defendants herein, between on or about October 1, 2003 and through
13 and including on or about March 23, 2004, in the Counties of
14 Madera and Fresno, State and Eastern District of California, and
15 elsewhere, did knowingly and intentionally conspire with each
16 other and with other persons, both known and unknown to the grand
17 jury, to distribute and possess with the intent to distribute,
18 heroin, a Schedule I controlled substance, all in violation of
19 Title 21, United States Code, Sections 846 and 841(a)(1).

20 It is further alleged that the offense alleged above involved
21 one kilogram or more of heroin.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 COUNT TWO: [21 U.S.C. §§ 841(a)(1) - Possess with the Intent
2 to Distribute Heroin, a Controlled Substance]

3 The Grand Jury further charges: T H A T

4 ROBERTO VARGAS LOPEZ
5 aka "Compa",
6 ELIAS VALENCIA HERNANDEZ
7 aka "Chapparro",
8 aka "La Pistola",

9 defendants herein, on or about March 20-23, 2004, in the County of
10 Fresno, State and Eastern District of California did knowingly and
11 intentionally possess, with the intent to distribute, heroin, a
12 Schedule I controlled substance, all in violation of Title 21,
13 United States Code, Section 841(a)(1).

14 It is further alleged that the offense alleged above involved
15 one kilogram or more of heroin.

16 COUNT THREE: [21 U.S.C. §§ 841(a)(1) - Possess with the Intent
17 to Distribute Heroin, a Controlled Substance]

18 The Grand Jury further charges: T H A T

19 FRANCISCA REYNA ROMERO
20 aka "Lorena",
21 LORENA DELAPAZ ROMERO
22 aka "Lori",

23 defendants herein, on or about March 23, 2004, in the County of
24 Madera, State and Eastern District of California did knowingly and
25 intentionally possess, with the intent to distribute, heroin, a
26 Schedule I controlled substance, all in violation of Title 21,
27 United States Code, Section 841(a)(1).

28 ///

///

///

1 COUNT FOUR: [21 U.S.C. §§ 841(a)(1) - Possess with the Intent
2 to Distribute Heroin, a Controlled Substance]

3 The Grand Jury further charges: T H A T


4 FRANCISCA REYNA ROMERO
5 aka "Lorena",
6 LORENA DELAPAZ ROMERO
7 aka "Lori",

8 defendants herein, on or about February 24, 2004, in the County of
9 Madera, State and Eastern District of California did knowingly and
10 intentionally possess, with the intent to distribute, heroin, a
11 Schedule I controlled substance, all in violation of Title 21,
12 United States Code, Section 841(a)(1).

13 A TRUE BILL.

14 
15 _____
16 FOREPERSON

17 McGREGOR W. SCOTT
18 United States Attorney

19 By 
20 MARK E. CULLERS,
21 Assistant U.S. Attorney
22 Chief, Fresno Office
23
24
25
26
27
28

No. _____

UNITED STATES DISTRICT COURT

*Eastern District of California
Criminal Division*

THE UNITED STATES OF AMERICA

vs.

ROBERTO VARGAS LOPEZ

aka "Compa"

ELIAS VALENCIA HERNANDEZ

aka "Chapparro"

aka "La Pistola",

ANTONIO GUTIERREZ GOMES

aka "Spooky Spooky",

JOSE CARLOS ALVAREZ,

FRANCISCA REYNA ROMERO

aka "Lorena",

LORENA DELAPAZ ROMERO

aka "Lori"

ROSEMARIE "ROSIE" ALVAREZ, and

JESSICA MARIA GARZA

FILED

APR 15 2004

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

I hereby attest and certify on 7/9/08
that the foregoing document is a full, true
and correct copy of the original on file in my
office and in my legal custody.

VICTORIA C. MINOR

CLERK, U.S. DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

CRF 04 5097 AM

INDICTMENT

VIOLATION(S):

**21 U.S.C. §§ 846 and 841 (a) (1) - Conspiracy to Distribute
and Possess With the Intent to Distribute Heroin, a Controlled
Substance - 21 U.S.C. § 841 (a) (1) - Possess With the Intent to
Distribute Heroin, a Controlled Substance (3 Counts)**

A true bill,

[Signature]
Foreman.

Filed in open court this _____ day

of _____, A.D. 20 _____

Clerk.

Bail, \$

No Bail Warrants as to
all DS.

[Signature]
4/15/04

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT

By ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT

Name of District Court, and/or Judge Magistrate Location (city)

**EASTERN DISTRICT OF CALIFORNIA
FRESNO, CALIFORNIA**

OFFENSE CHARGED

CONSPIRACY TO DISTRIBUTE AND POSSESS
WITH THE INTENT TO DISTRIBUTE HEROIN, A
CONTROLLED SUBSTANCE;
POSSESS WITH THE INTENT TO DISTRIBUTE
HEROIN, A CONTROLLED SUBSTANCE

Petty
Minor
Misdemeanor
☒ Felony

Place of Offense

Fresno County

U.S.C. Citation

21 USC §§ 846 & 841 (a)(1)
21 USC § 841 (a)(1)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

HIRTA TASK FORCE / JOHNSON

☐ this person is awaiting trial in another Federal or State Court,
give name of court.

☐ this person/proceeding is transferred from another district
per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges
previously dismissed which were
dismissed on motion of:

☐ U.S. Att'y ☐ Defense

SHOW
DOCKET NO.

☐ this prosecution relates to a pending
case involving this same defendant

☐ prior proceeding or appearance(s)
before U.S. Magistrate regarding
this defendant were recorded under

MAGISTRATE
CASE NO.

Name and Office of Person
Furnishing information on

THIS FORM

STELLA PASKETT

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y

KEVIN P. ROONEY

DEFENDANT - U.S. vs.

Antonio Gutierrez Gomez

Address

CRF-04 5097 AM

Birth
Date

☒ Male ☐ Alien
☐ Female (if applicable)

(Optional unless a juvenile)

DEFENDANT

IS NOT IN CUSTODY

- 1) ☐ Has not been arrested, pending outcome this proceeding
if not detained give date any prior summons
was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction ☐ Fed'l ☐ State
- 6) ☐ Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer
been filed?

Yes

If
"Yes"
give
date

No

DATE OF
ARREST

Mo. Day Year

Or ... if arresting Agency & Warrant were not Federal

DATE TRANSFERRED
TO U.S. CUSTODY

Mo. Day Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PENALTIES: ISSUE NO BAIL WARRANT

PROB22_OUT

**U.S. District Court
Eastern District of California - Live System (Fresno)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-05097-AWI-3
Internal Use Only**

Case title: USA v. Lopez, et al

Date Filed: 04/15/2004

Date Terminated: 11/14/2005

Assigned to: Judge Anthony W. Ishii

Defendant (3)

Antonio Gutierrez Gomez
TERMINATED: 11/14/2005
also known as
Spooky Spooky
TERMINATED: 11/14/2005

represented by **Gary L Huss**
Wild Carter and Tipton
246 West Shaw Avenue
Fresno, CA 93704-6339
559-224-2131
Email: husslers1947@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

I hereby attest and certify on 7/9/08
that the foregoing document is a full, true
and correct copy of the original on file in my
office and in my legal custody.

VICTORIA C. MINOR
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

By  Deputy

Robert Warren Rainwater
Rainwater Law Group
1430 Willamette Street, Suite 492
Eugene, OR 97401
(541) 344-1785
Fax: ((541) 344-1785
Email: rrainwater@rainwaterlaw.org
TERMINATED: 04/22/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

21:841E=CD.F CONSPIRACY TO
DISTRIBUTE AND POSSESS WITH THE
INTENT TO DISTRIBUTE HEROIN, A
CONTROLLED SUBSTANCE
(1)

Disposition

USE COMMUNICATIONS FACILITY - TO
FACILITATE THE COMMISSION OF A

48 months custody, 12 months supervised
release, \$100 penalty assessment. July 3, 2008 -

FELONY
 (1s)

Supervision transferred to Northern District of California.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Kevin P. Rooney**
 United States Attorney
 2500 Tulare Street
 Suite 4401
 Fresno, CA 93721
 (559) 497-4070
 Fax: (559) 497-4099
 Email: kevin.p.rooney@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Eugene Cullers
 U.S. Department of Justice
 2500 Tulare Street
 Suite 4401
 Fresno, CA 93721
 (559) 497-4000
 Fax: (559) 497-4099
 Email: mark.cullers@usdoj.gov
TERMINATED: 01/03/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/15/2004	1	INDICTMENT by US Attorney Mark E Cullers Counts filed against Roberto Vargas Lopez (1) count(s) 1, 2, Elias Valencia Hernandez (2) count(s) 1, 2, Antonio Gutierrez Gomez (3) count(s) 1, Jose Carlos Alvarez (4) count(s) 1, Francisca Reyna Romero (5) count(s) 1, 3, 4, Lorena Delapaz Romero (6) count(s) 1, 3, 4, Rosemarie Rosie Alvarez (7) count(s) 1, Jessica Maria Garza (8) count(s) 1 (jh) (Entered: 04/16/2004)
04/15/2004		ARREST Warrant issued for Antonio Gutierrez Gomez by Magistrate Judge Sandra M. Snyder bail set at NO BAIL (jh) (Entered: 04/16/2004)
04/19/2004	6	MINUTES before Magistrate Judge Beck RE: 4/19/04 Hrg first appearance of Antonio Gutierrez Gomez Attorney Robert W Rainwater present (Spec Appearance Only) , dft Antonio Gutierrez Gomez arraigned; NOT GUILTY plea entered , detention hrg SET on 11:00 4/21/04 before DLB for Antonio Gutierrez Gomez; dft's atty requests discovery; US Attorney to provide discovery SET for 4/23/04; status hrg SET for 9:00 5/3/04 before AWI for Antonio Gutierrez Gomez C/R Hernandez; Interpreter NONE (jh) (Entered: 04/21/2004)
04/19/2004		(Court only) ***JS-2 FIRST APPEARANCE CODE (Balli, R) (Entered: 10/04/2005)
04/20/2004	13	DECLARATION of Roberto Vargas Lopez (jh) (Entered: 04/21/2004)
04/20/2004	14	DECLARATION of Elia Valencia Hernandez (jh) (Entered: 04/21/2004)

04/21/2004	19	MINUTES before Magistrate Judge Beck RE: 4/21/04 Hrg detention hrg HELD on 4/21/04 as to dft Antonio Gutierrez Gomez: Submit to PTS Report; Court ORDERED dft detained C/R ECRO; Interpreter NONE (jh) (Entered: 04/22/2004)
04/21/2004	20	DETENTION ORDER of Antonio Gutierrez Gomez by Magistrate Judge Dennis L. Beck (jh) (Entered: 04/22/2004)
04/21/2004	25	ATTORNEY APPEARANCE for defendant Antonio Gutierrez Gomez by attorney Gary L Huss (APPOINTED) (jh) (Entered: 04/22/2004)
04/22/2004		(Court only) Docket Modification (Utility Event) withdrawing attorney Robert W Rainwater for Lorena Delapaz Romero adding attorney Francine Zepeda (wh) (Entered: 04/22/2004)
04/22/2004	28	CJA FORM 20 COPY 4 (Appointment of Counsel) Kevin Gerard Little replacing attorney Robert W Rainwater for Francisca Reyna Romero (mm) (Entered: 04/22/2004)
04/22/2004	29	CJA Form 23 (Financial Affidavit) as to Antonio Gutierrez Gomez (mm) (Entered: 04/22/2004)
04/22/2004	30	CJA FORM 20 COPY 4 (Appointment of Counsel) of Atty Gary Huss replacing attorney Robert W Rainwater for Antonio Gutierrez Gomez (mm) (Entered: 04/22/2004)
04/22/2004	32	CJA FORM 20 COPY 4 (Appointment of Counsel) Stephen Mensel replacing attorney Robert W Rainwater for Jose Carlos Alvarez (mm) (Entered: 04/22/2004)
04/22/2004	34	CJA FORM 20 COPY 4 (Appointment of Counsel) Katherine Louise Hart replacing attorney Robert W Rainwater for Rosemarie Rosie Alvarez (mm) (Entered: 04/22/2004)
04/23/2004	37	MINUTES before Magistrate Judge Dennis L. Beck detention hearing held on 4/23/04 as to defendant Francisca Reyna Romero dft ordered detained on previously issued detention order C/R A Alvarez; interpreter - D Pflug (mm) (Entered: 04/26/2004)
04/30/2004	45	ARREST Warrant returned executed as to defendant Antonio Gutierrez Gomez defendant arrested on 4/19/04 (mm) (Entered: 05/03/2004)
04/30/2004	46	NOTICE OF MOTION AND MOTION for discovery by defendant Antonio Gutierrez Gomez hearing set for 9:00 5/3/04, dept 3 (mm) (Entered: 05/03/2004)
04/30/2004	47	MEMORANDUM OF POINTS AND AUTHORITIES by defendant Antonio Gutierrez Gomez in support of motion for discovery [46-1] (mm) (Entered: 05/03/2004)
04/30/2004	48	DECLARATION of Gary Huss in support of dft Gomez' motion for discovery [46-1] (mm) (Entered: 05/03/2004)
04/30/2004	49	NOTICE OF MOTION AND MOTION for disclosure of government informants by defendant Antonio Gutierrez Gomez hearing set for 9:00 5/3/04, dept 3 (mm) (Entered: 05/03/2004)
04/30/2004	50	MEMORANDUM OF POINTS AND AUTHORITIES by defendant Antonio Gutierrez Gomez in support of motion for disclosure of government informants [49-1] (mm) (Entered: 05/03/2004)
04/30/2004	51	JOINDER by defendant Antonio Gutierrez Gomez in motion requesting discovery and motion for notification under FRCrP 12 FRE 404 (b), 609, and 807 by defendant Francisca Reyna Romero (mm) (Entered: 05/03/2004)
04/30/2004	52	NOTICE OF MOTION AND MOTION for reservations of motions by defendant Antonio Gutierrez Gomez hearing set for 9:00 5/3/04, dept 3 (mm) (Entered: 05/03/2004)
04/30/2004	53	NOTICE OF MOTION AND MOTION to sever by defendant Antonio Gutierrez Gomez motion hearing set for 5/3/04 9:00, dept 3 (mm) (Entered: 05/03/2004)
04/30/2004	54	MEMORANDUM OF POINTS AND AUTHORITIES by defendant Antonio Gutierrez

		Gomez in support of motion to sever [53-1] (mm) (Entered: 05/03/2004)
05/03/2004	55	MINUTES before Judge Anthony W. Ishii pretrial motions filing ddl set for 6/1/04 for dfts Lopez, Hernandez, Gomez, Alvarez, Francisca Romero, Lorena Delapaz Romero, and for Rosemarie Alvarez; status hearing set for 9:00 6/28/04, dept 3, for dfts Lopez, Hernandez, Gomez, Alvarez, Francisca Reyna Romero, Lorena Delapaz Romero, and for Rosemarie Rosie Alvarez; case mgmt ddl set for 6/15/04 for receipt of response to motions; any replies due 6/22/04 excludable time started for all dfts; start date: 5/3/04 end date: 6/28/04 C/R G Thomas; interpreter - A Watrous (mm) (Entered: 05/04/2004)
05/04/2004	57	RESPONSE by plaintiff USA to motion 1) requesting discovery, exculpatory evidence, and notification under FRCrP 12 FRE 404 (b), 609, and 807 by dft Francisca Reyna Romero (mm) (Entered: 05/05/2004)
05/21/2004	58	RESPONSE by plaintiff USA to motion for disclosure of government informants by defendant Antonio Gutierrez Gomez [49-1] (sr) (Entered: 05/24/2004)
05/21/2004	59	RESPONSE by plaintiff USA to motion for discovery by defendant Antonio Gutierrez Gomez [46-1] (sr) (Entered: 05/24/2004)
05/21/2004	60	RESPONSE by plaintiff USA to motion to sever by defendant Antonio Gutierrez Gomez [53-1] (sr) (Entered: 05/24/2004)
06/03/2004	71	CJA FORM 20 COPY 4 (Appointment of Counsel) appointing Gary L Huss and replacing Robert Rainwater (old) (Entered: 06/04/2004)
06/25/2004	74	ORDER by Judge Anthony W. Ishii withdrawing attorney Thomas James Richardson for Roberto Vargas Lopez and substituting attorney James R Homola (cc: all counsel) (sr) (Entered: 06/28/2004)
06/28/2004	75	MINUTES before Judge Anthony W. Ishii status conference held on 6/28/04 as to dfts Lopez, Hernandez, Gomez, Alvarez, F Romero, L Romero, Alvarez; motions filing ddl set for 8/30/04; opposition by 9/20/04; reply by 9/27/04; motions hearing set for 9:00 10/4/04 for dfts all pending motions [70-1], [68-1], [67-1], [65-1], [62-1], [53-1], [52-1], [49-1], [46-1], [44-1], [36-1], continued to 9:00 7/26/04 excludable time started for all dfts start date: 6/28/04 end date: 10/4/04 C/R G Thomas (sr) (Entered: 06/29/2004)
07/26/2004	76	MINUTES before Judge Anthony W. Ishii status conference continued to 9:00 8/30/04 for dfts Roberto Vargas Lopez, Elias Valencia Hernandez, Antonio Gutierrez Gomez, Jose Carlos Alvarez, Francisca Reyna Romero, Lorena Delapaz Romero, Rosemarie Rosie Alvarez motion for extension of time in which to file pretrial motions by defendant Roberto Vargas Lopez [70-1], motion for discovery by defendant Roberto Vargas Lopez [68-1], motion for extension of time in which to file pretrial motions by defendant Elias Valencia Hernandez [67-1], motion for discovery by defendant Elias Valencia Hernandez [65-1], motion for discovery by defendant Lorena Delapaz Romero [62-1], motion to sever by defendant Antonio Gutierrez Gomez [53-1], motion for reservations of motions by defendant Antonio Gutierrez [52-1], motion for disclosure of government informants by defendant Antonio Gutierrez Gomez [49-1], motion for discovery by defendant Antonio Gutierrez Gomez [46-1], motion 1) requesting discovery [44-1], motion 3) notification under FRCrP 12 FRE 404 (b), 609, and 807 by defendant Francisca Reyna Romero [44-2], motion requesting the court to conduct conflict of interest inquiry as to Atty Richardson's representation of dfts Roberto Lopez and Elias Valencia Hernandez by USA [36-1] continued to 9:00 8/30/04 excludable time started for dfts start date: 7/26/04 end date: 8/30/04 C/R G Thomas (sr) (Entered: 07/27/2004)
08/30/2004	77	PRETRIAL ORDER by Judge Anthony W. Ishii trial confirmation hearing set for 9:00 1/3/05 and jury trial set for 8:30 1/11/05 for dfts Roberto Vargas Lopez, Elias Valencia Hernandez, Antonio Gutierrez Gomez, Jose Carlos Alvarez, Francisca Reyna Romero, Lorena Delapaz Romero, Rosemarie Rosie Alvarez (cc: all counsel) (sr) (Entered: 08/31/2004)
08/30/2004	78	MINUTES before Judge Anthony W. Ishii status conference held on 8/30/04 as to dfts

		Lopez, Hernandez, Gomez, Alvarez, Romero, Romero, Alvarez; dfts' motions filing ddl set for 11/29/04; opposition by 12/13/04; reply by 12/20/05; motions hearing 9:00 1/3/05 for dfts; trial confirmation hearing set for 9:00 1/3/05 and jury trial set for 8:30 1/11/05 for dfts all motions [70-1], [68-1], [67-1], [65-1], [62-1], [53-1], [52-1], [49-1], [46-1], [44-1], [44-2], [36-1] continued to 9:00 1/3/05 excludable time started for dfts start date: 8/31/04 end date: 1/11/05 C/R G Thomas (sr) (Entered: 08/31/2004)
01/03/2005		(Court only) ATTORNEY UPDATE at the request of the U.S. Attorney, AUSA Kevin P. Rooney for USA added. Attorney Mark Eugene Cullers terminated. (Hutcheson, C) (Entered: 01/03/2005)
01/03/2005	80	MINUTES STATUS CONFERENCE as to Roberto Vargas Lopez, Elias Valencia Hernandez, Antonio Gutierrez Gomez, Jose Carlos Alvarez, Francisca Reyna Romero held on 1/3/2005., ***Excludable started as to Roberto Vargas Lopez, Elias Valencia Hernandez, Antonio Gutierrez Gomez, Jose Carlos Alvarez, Francisca Reyna Romero: XT Start: 1/3/05 Stop 1/31/05 Status Conference set for 1/31/2005 at 09:00 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii. Government Counsel K. Rooney, E. Wyatt present. Defense Counsel J. Homola, T. J. Richardson, G. Huss, S. Mensel, K. Little present. Court Reporter/CD Number: G. Thomas. Interpreter A. Watrous present. (Nazaroff, H) (Entered: 01/05/2005)
01/31/2005	85	MINUTES for proceedings held before Judge Anthony W. Ishii :STATUS CONFERENCE as to Roberto Vargas Lopez, Elias Valencia Hernandez, Antonio Gutierrez Gomez, Jose Carlos Alvarez, Francisca Reyna Romero held on 1/31/2005., ***Excludable: XT Start: 1/31/05 Stop: 2/22/05 Status Conference continued to 2/22/2005 at 09:00 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii. Government Counsel K. Rooney present. Defense Counsel J. Homola, T.J. Richardson, G. Huss, S. Mensel, and F. Zepeda for K. Little present. Court Reporter/CD Number: G. Thomas. Interpreter V. Dicono present. (Lucas, L) (Entered: 02/01/2005)
02/22/2005	86	MINUTES (TEXT ONLY) for proceedings held before Judge Anthony W. Ishii :STATUS CONFERENCE as to Roberto Vargas Lopez, Elias Valencia Hernandez, Antonio Gutierrez Gomez, Jose Carlos Alvarez, Francisca Reyna Romero, Rosemarie Rosie Alvarez, Jessica Maria Garza held on 2/22/2005 and continued to 3/28/2005 at 09:00 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii. XT Start: 02/22/05 Stop: 03/28/05 Government Counsel E. Wyatt present. Defense Counsel T.J. Richardson, G. Huss, S. Mensel, K. Little present. Custody Status: (C). Court Reporter/CD Number: G. Thomas. Interpreter A. Watrous present. (Nazaroff, H) Modified on 2/23/2005 (Nazaroff, H). (Entered: 02/23/2005)
03/28/2005	94	MINUTES for proceedings held before Judge Anthony W. Ishii :STATUS CONFERENCE as to Roberto Vargas Lopez, Elias Valencia Hernandez, Antonio Gutierrez Gomez, Jose Carlos Alvarez, Francisca Reyna Romero held on 3/28/2005. Status Conference set for 4/25/2005 at 09:00 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii. XT Start: 03/28/05 Stop: 04/25/05 Government Counsel K. Rooney present. Defense Counsel all except Richardson present. Custody Status: (C). Court Reporter/CD Number: G. Thomas. Interpreter A. Watrous present. (Nazaroff, H) (Entered: 03/29/2005)
04/25/2005	96	MINUTES (TEXT ONLY ENTRY) for proceedings held before Judge Anthony W. Ishii :STATUS CONFERENCE as to Roberto Vargas Lopez, Elias Valencia Hernandez, Antonio Gutierrez Gomez, Jose Carlos Alvarez held on 4/25/2005. XE Start: 04/25/05 Stop: 08/23/05 Motions due by 7/18/2005. Responses due by 8/1/2005. Replies due by 8/8/2004. Jury Trial set for 8/23/2005 at 08:30 AM in Courtroom 3 (AWI)(estimated for 9 days). Motion and Trial confirmation Hearing set for 8/15/2005 at 09:00 AM in Courtroom 3 (AWI). before Judge Anthony W. Ishii. Government Counsel K. Rooney present. Defense Counsel J. Homola also appearing on behalf of T. J. Richardson, G. Huss, S. Mensel present. Custody Status: (C). Court Reporter/CD Number: Tracy Barksdale. Interpreter A. Watrous present. (Alvarez, A) (Entered: 04/25/2005)
04/26/2005	97	PRETRIAL ORDER as to dfts Roberto Vargas Lopez, Elias Valencia Hernandez, Antonio Gutierrez Gomez, Jose Carlos Alvarez ; Jury Trial set for 8/23/2005 at 08:30 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii; Trial Confirmation/Motions in Limine

		Hearing set for 8/15/2005 at 09:00 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii; order signed by Judge Anthony W. Ishii on 4/26/05. (Rooney, M) (Entered: 04/26/2005)
08/15/2005	<u>112</u>	MINUTES (Text Only) for proceedings held before Judge Anthony W. Ishii :STATUS CONFERENCE as to Roberto Vargas Lopez, Elias Valencia Hernandez, Antonio Gutierrez Gomez, Jose Carlos Alvarez held on 8/15/2005. Trial date of August 23, 2005 is vacated. Jury Trial set for 9/7/2005 at 08:30 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii. Trial Confirmation Hearing set for 8/29/2005 at 09:00 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii. Government Counsel K. Rooney present. Defense Counsel All present. Custody Status: (C). Court Reporter/CD Number: G. Thomas. Interpreter V. Dicono present. (Nazaroff, H) (Entered: 08/17/2005)
08/25/2005	<u>114</u>	TRIAL BRIEF by Antonio Gutierrez Gomez (Huss, Gary) (Entered: 08/25/2005)
08/25/2005	<u>115</u>	PROPOSED VOIR DIRE by Antonio Gutierrez Gomez (Huss, Gary) (Entered: 08/25/2005)
08/25/2005	<u>116</u>	PROPOSED JURY INSTRUCTIONS by Antonio Gutierrez Gomez (Attachments: # <u>1</u> Jury Instructions# <u>2</u> Jury Instructions# <u>3</u> Jury Instructions# <u>4</u> Jury Instructions)(Huss, Gary) (Entered: 08/25/2005)
08/29/2005	<u>123</u>	MINUTES (Text Only) for proceedings held before Judge Anthony W. Ishii :STATUS CONFERENCE as to Elias Valencia Hernandez, Antonio Gutierrez Gomez held on 8/29/2005. Jury Trial set for 9/7/2005 at 08:30 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii. Government Counsel K. Rooney present. Defense Counsel all present. Custody Status: (C). Court Reporter/CD Number: G. Thomas. Interpreter V. Dicono present. (Nazaroff, H) (Entered: 08/30/2005)
08/30/2005	<u>126</u>	MOTION IN LIMINE <i>Response To Defendant Guterrez Gomez' Proposed Jury Instructions</i> by USA as to Elias Valencia Hernandez, Antonio Gutierrez Gomez. Motion Hearing set for 9/7/2005 at 09:00 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii. (Rooney, Kevin) (Entered: 08/30/2005)
09/01/2005	<u>127</u>	MINUTE ORDER: TEXT ONLY ENTRY - Pursuant to the request of counsel, the change of plea hearing as to ELIAS VALENCIA HERNANDEZ and ANTONIO GUTIERREZ GOMEZ is set for 9/2/2005 at 10:00 AM in Courtroom 2 (OWW) before Judge Oliver W. Wanger. (Lucas, G) (Entered: 09/01/2005)
09/01/2005	<u>128</u>	PLEA AGREEMENT as to Antonio Gutierrez Gomez (Rooney, Kevin) (Entered: 09/01/2005)
09/01/2005	<u>130</u>	SUPERSEDING INFORMATION as to Antonio Gutierrez Gomez (3) count(s) 1s. (Sanchez, C) (Entered: 09/07/2005)
09/02/2005	<u>131</u>	WAIVER of INDICTMENT by Antonio Gutierrez Gomez (Sanchez, C) (Entered: 09/07/2005)
09/02/2005	<u>133</u>	MINUTES for proceedings held before Judge Oliver W. Wanger: TEXT ONLY ENTRY - CHANGE of PLEA HEARING as to Antonio Gutierrez Gomez held on 9/2/2005. GUILTY PLEA ENTERED by Antonio Gutierrez Gomez (3) as to Count 1s. Sentencing set for 11/14/2005 at 09:00 AM in Courtroom 3 (AWI) before Judge Anthony W. Ishii. Government Counsel K. Rooney present. Defense Counsel G. Huss present. Custody Status: In Custody. Court Reporter/CD Number: P. Crawford. Interpreter A. Watrous present. (Lucas, G) (Entered: 09/12/2005)
11/14/2005	<u>147</u>	MINUTES (Text Only) for proceedings held before Judge Anthony W. Ishii :SENTENCING held on 11/14/2005 for Antonio Gutierrez Gomez (3), Count(s) 1s, 48 months custody, 12 months supervised release, \$100 penalty assessment.. DEFENDANT TERMINATED. Government Counsel K. Rooney present. Defense Counsel G. Huss present. Custody Status: (C). Court Reporter/CD Number: G. Thomas. (Nazaroff, H) (Entered: 11/21/2005)
11/22/2005	<u>149</u>	JUDGMENT and COMMITMENT as to Antonio Gutierrez Gomez signed by Judge

		Anthony W. Ishii on 11/22/05. (Nazaroff, H) (Entered: 11/22/2005)
05/15/2006	<u>170</u>	REQUEST for re-sentence by Antonio Gutierrez Gomez (Keeler, P) (Entered: 05/16/2006)
05/15/2006	<u>171</u>	MOTION to modify sentence by Antonio Gutierrez Gomez. (Keeler, P) (Entered: 05/16/2006)
05/18/2006	<u>172</u>	REQUEST for <i>Hearing re Request for Re-Sentence</i> by Antonio Gutierrez Gomez (Huss, Gary) (Entered: 05/18/2006)
05/30/2006	<u>173</u>	MINUTES (text entry) for proceedings held before Judge Anthony W. Ishii :STATUS CONFERENCE re Out of District Warrant as to Antonio Gutierrez Gomez not held on 5/30/2006. XE Start: 5/30/06 Stop: 6/19/06 Status Conference re Out of District Warrant set for 6/19/2006 at 09:00 AM in Courtroom 2 (AWI) before Judge Anthony W. Ishii. Government Counsel K. Rooney present. Defense Counsel G. Huss present. Custody Status: (C). Court Reporter/CD Number: G. Thomas. (Alvarez, A) (Entered: 05/31/2006)
06/19/2006	<u>174</u>	MINUTES (Text Only) for proceedings held before Judge Anthony W. Ishii :STATUS CONFERENCE on out of district warrant as to Antonio Gutierrez Gomez held on 6/19/2006. Defendant waives identity hearing. Defendant is ordered removed to the Northern District of California. Government Counsel K. Rooney present. Defense Counsel G. Huss present. Custody Status: (C). Court Reporter/CD Number: K. Lopez. Interpreter (A. Watrous present. (Nazaroff, H) (Entered: 06/20/2006)
10/23/2006	<u>175</u>	JUDGMENT RETURNED EXECUTED as to Antonio Gutierrez Gomez on 10/04/06. (Kusamura, W) (Entered: 10/25/2006)
07/09/2008	<u>185</u>	PROBATION JURISDICTION (PROBATION 22 Out) TRANSFERRED to Northern District of California as to Antonio Gutierrez Gomez. Signed by Judge Anthony W. Ishii on 6/10/2008. Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. DEFENDANT TERMINATED. CASE CLOSED. (Sondheim, M) (Entered: 07/09/2008)

United States District Court

Eastern District of California

UNITED STATES OF AMERICA
v.
ANTONIO GUTIERREZ GOMEZ

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)
Case Number: **1:04CR05097-03**

GARY HUSS
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s): ONE of the Superseding Information.
☐ pleaded nolo contendere to counts(s) ___ which was accepted by the court.
☐ was found guilty on count(s) ___ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 843(b)	Use of a Communications Facility to Facilitate the Commission of a Felony Drug Offense	03/23/2004	One

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on counts(s) ___ and is discharged as to such count(s).
☐ Count(s) ___ (is)(are) dismissed on the motion of the United States.
☒ Indictment is dismissed by District Court on motion of the United States.
☐ Appeal rights given. ☒ Appeal rights waived.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

November 14, 2005
Date of Imposition of Judgment

/S/ ANTHONY W. ISHII
Signature of Judicial Officer

ANTHONY W. ISHII, United States District Judge
Name & Title of Judicial Officer

NOVEMBER 22, 2005
Date

I hereby attest and certify on 7/9/08
that the foregoing document is a full, true
and correct copy of the original on file in my
office and in my legal custody.

VICTORIA C. MINOR
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

CASE NUMBER: 1:04CR05097-03
 DEFENDANT: ANTONIO GUTIERREZ GOMEZ

Judgment - Page 2 of 6

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 48 Months.

- ☒ The court makes the following recommendations to the Bureau of Prisons:
 The Court recommends that the defendant be incarcerated in a California facility, but only insofar as this accords with security classification and space availability. The Court recommends the defendant participate in the 500-Hour Bureau of Prisons Substance Abuse Treatment Program. Specifically Atwater, CA
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district.
☐ at ___ on ____.
☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
☐ before _ on ____.
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Officer.
 If no such institution has been designated, to the United States Marshal for this district.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
 at _____, with a certified copy of this judgment.

 UNITED STATES MARSHAL

By _____
 Deputy U.S. Marshal

CASE NUMBER: 1:04CR05097-03
 DEFENDANT: ANTONIO GUTIERREZ GOMEZ

Judgment - Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 12 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed four (4) drug tests per month.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

CASE NUMBER: 1:04CR05097-03
DEFENDANT: ANTONIO GUTIERREZ GOMEZ

Judgment - Page 4 of 6

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall submit to the search of his person, property, home, and vehicle by a United States Probation Officer, or any other authorized person under the immediate and personal supervision of the probation officer, based upon reasonable suspicion, without a search warrant. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
2. The defendant shall provide the probation officer with access to any requested financial information.
3. As directed by the probation officer, the defendant shall participate in a correctional treatment program (inpatient or outpatient) to obtain assistance for drug or alcohol abuse.
4. As directed by the probation officer, the defendant shall participate in a program of testing (i.e. breath, urine, sweat patch, etc.) to determine if he has reverted to the use of drugs or alcohol.
5. The defendant shall not possess or have access to any paging device or cellular phone without the advance permission of the probation officer. The defendant shall provide all billing records for such devices, whether used for business or personal, to the probation officer upon request.
6. As directed by the probation officer, the defendant shall participate in a co-payment plan for treatment or testing and shall make payment directly to the vendor under contract with the United States Probation Office of up to \$25 per month.
7. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

AO 245B-CAED (Rev. 3/04) Sheet 5 - Criminal Monetary Penalties

CASE NUMBER: 1:04CR05097-03
 DEFENDANT: ANTONIO GUTIERREZ GOMEZ

Judgment - Page 5 of 6

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	Assessment	Fine	Restitution
Totals:	\$ 100.00	\$	\$

- ☐ The determination of restitution is deferred until __. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
---------------	-------------	---------------------	------------------------

<u>TOTALS:</u>	\$ ____	\$ ____	
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- ☐ Restitution amount ordered pursuant to plea agreement \$ ____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ The interest requirement is waived for the ☐ fine ☐ restitution
- ☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

CASE NUMBER: 1:04CR05097-03
 DEFENDANT: ANTONIO GUTIERREZ GOMEZ

Judgment - Page 6 of 6

SCHEDULE OF PAYMENTS

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A** ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than __, or
- ☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B** ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C** ☐ Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$ __ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after the date of this judgment; or
- D** ☐ Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$ __ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** ☐ Payment during the term of supervised release will commence within __ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment; (2) restitution principal; (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including costs of prosecution and court costs.